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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,751	12/30/2000	Alan Rudnick	38021.010000	9595

7590 07/12/2004

GREENBERG TRAURIG, P.A.  
1221 Brickell Avenue  
Miami, FL 33131

EXAMINER
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GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/752,751

Applicant(s)

RUDNICK, ALAN

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-14-2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference characters depicted in the figures include 60, 76, 80, 110, 120, 130, 140 (Figure 1); and 300, 400, 500 (Figure 2); however, the reference characters are not included in the detailed description of the invention.

Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because:

- a. Figure 3 does not include reference numerals. The brief and detailed descriptions of the invention refer to Figure 3 as depicting items available, at least one direct purchasing channel, and at least one indirect purchasing channel. Reference numerals should be included which include lead lines directed to the features described in the specification.

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b. Figure 1 depicts a broker database 130 as a direct sales channel; however, the specification refers to a broker database as an indirect sales channel (for example, page 3, line 10 and page 9, lines 9-11). Figure 1 also depicts an indirect seller database 140. It appears that applicant is attempting to depict two different embodiments in the same drawing figure (broker database as direct sales channel and indirect sales channel). Clarification is required.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The abstract of the disclosure is objected to because it should be a single paragraph, limited in length to 150 words, and avoid using legal phraseology, such as

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“means” and “said”. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The abstract should be clear and concise and should not repeat information given in the title. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

5. The disclosure is objected to because of the following informalities:

a. The abbreviations and/or acronyms used in the specification should be defined at their first occurrence. Namely, TCP/IP (page 2, line 1), SKU (page 3, line 19), RFQ (page 4, line 20), ISO9002 (page 8, line 1), and HTML (page 9, line 2).

b. Page 3, line 20, “though” should be --through--.

c. Page 4, second paragraph, ends with a semicolon. The listing of sites that do not provide a link ... with or at the distributor’s own web site is missing.

d. Page 4, line 19, “does” should be --do--.

Appropriate correction is required.

#### ***Claim Objections***

6. Claims 5 and 6 are objected to because of the following informalities: A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant’s sequence will not be changed. See MPEP § 608.01(n). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by netCOMPONENTS web site 1999-02-02 [online], [retrieved on 2004-07-01]. Retrieved from the Internet: <URL:<http://web.archive.org/web/19990202143053/www.netcomponents.com/netinfo.html>> (“netCOMPONENTS-1999”). The examiner notes that netCOMPONENTS is the assignee of the instant application.

Generally, netCOMPONENTS-1999 discloses an inventory database that allows buyers to link directly to a distributor via e-mail or to obtain details about third parties to which the distributor sells. The sellers upload their inventory line items that are easily accessed by the buyers who use the netCOMPONENTS system. Moreover, the system allows a buyer to link directly to a distributor or obtain details about a third party supplier.

Regarding claim 1, netCOMPONENTS-1999 discloses a system software that allows a buyer to select between direct sales channel and indirect sales channel through the option of directly selecting a distributor or selecting a third party to which the distributor sells. Regarding claim 2, netCOMPONENTS-1999 discloses that a buyer may purchase an item from the distributor or a third party, and that the buyer may directly link to the seller's ordering system via e-mail.

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Regarding claims 3, 5 and 6, the method steps of providing access to a searchable database, providing buyers with an option to purchase from both a direct and indirect seller, receiving a buyer's request for quotation, sending the request to a selected seller, and processing the seller's quotation are disclosed in *netCOMPONENTS*-1999. Further, the buyer may link directly to the seller's ordering system via e-mail. Regarding claim 6, as best understood, the step of selecting the seller based on filter conditions is directly related to the information request input by the buyer as to the desired item and the information uploaded by the seller as to the stocked inventory. Moreover, the selecting step recited in claim 6 is not integrated with claim 3, so it is presumed that the selecting step occurs after the final processing step of claim 3.

Regarding claim 4, the system disclosed in *netCOMPONENTS*-1999 provides both a direct and indirect sales option for buyers from a single point of purchase.

9. Claims 1-6 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. The invention described in claims 1-6 was in public use as evidenced by *netCOMPONENTS* web site 1999-02-02 [online], [retrieved on 2004-07-01]. Retrieved from the Internet: <URL:<http://web.archive.org/web/19990202143053/www.netcomponents.com/netinfo.html>> ("*netCOMPONENTS*-1999"). The examiner notes that *netCOMPONENTS* is the assignee of the instant application.

Generally, *netCOMPONENTS*-1999 discloses an inventory database that allows buyers to link directly to a distributor via e-mail or to obtain details about third parties to which the distributor sells. The sellers upload their inventory line items that are easily accessed by the buyers who use the *netCOMPONENTS* system. Moreover, the system

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allows a buyer to link directly to a distributor or obtain details about a third party supplier.

Regarding claim 1, *netCOMPONENTS*-1999 discloses a system software that allows a buyer to select between direct sales channel and indirect sales channel through the option of directly selecting a distributor or selecting a third party to which the distributor sells. Regarding claim 2, *netCOMPONENTS*-1999 discloses that a buyer may purchase an item from the distributor or a third party, and that the buyer may directly link to the seller's ordering system via e-mail.

Regarding claims 3, 5 and 6, the method steps of providing access to a searchable database, providing buyers with an option to purchase from both a direct and indirect seller, receiving a buyer's request for quotation, sending the request to a selected seller, and processing the seller's quotation are disclosed in *netCOMPONENTS*-1999. Further, the buyer may link directly to the seller's ordering system via e-mail. Regarding claim 6, as best understood, the step of selecting the seller based on filter conditions is directly related to the information request input by the buyer as to the desired item and the information uploaded by the seller as to the stocked inventory. Moreover, the selecting step recited in claim 6 is not integrated with claim 3, so it is presumed that the selecting step occurs after the final processing step of claim 3.

Regarding claim 4, the system disclosed in *netCOMPONENTS*-1999 provides both a direct and indirect sales option for buyers from a single point of purchase.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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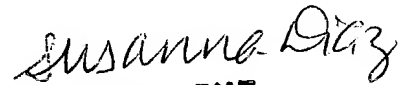
- a. Naka et al. disclose a system for directly or indirectly selling merchandise on the Internet. The buyer has the option of receiving the merchandise through a third party shop or directly from the seller.
  - b. Iyengar et al. disclose a system that the buyer has an option between two different sellers.
  - c. Giovannoli '328 discloses a quotation system and method that includes filtering the buyer request upon submission and filtering the seller quotes.
  - d. Zarley et al. disclose an integrated distribution using both direct and indirect sales channels for computer components.
  - e. Franse discloses benefits of multivendor solutions for customers including direct sales and value added reseller channels.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (703) 305-1918. The examiner can normally be reached on Monday – Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 7/6/04  
tg

  
**SUSANNA M. DIAZ**  
**PRIMARY EXAMINER**  
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